

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

August 10, 2021

Nathan Ochsner, Clerk of Court

United States of America)
v.)
JOSE RODRIGUEZ-ORELLANA) Case No. **4:21-MJ-1727**
)
)
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 8, 2021 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
8 USC 1324(a)(1)(A)(iii)	Harboring Illegal Aliens

This criminal complaint is based on these facts:

See affidavit attached

Continued on the attached sheet.

Gina Cox

Digitally signed by Gina Cox
Date: 2021.08.10 09:52:24
-05'00'

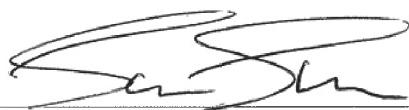
Complainant's signature

Special Agent Gina M. Cox

Printed name and title

Sworn to before me and signed in my presence.

Date: August 10, 2021



Judge's signature

City and state: Houston, Texas

Sam S. Sheldon, US Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Attachment "A"

I, Gina M. Cox, being first duly sworn, depose and state the following:

I, Special Agent (SA) Gina M. Cox, am employed by the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), in Houston, Texas (TX). I have been employed by HSI since May 2003. Prior to being employed with HSI, I was employed for 6 years with the Kansas City, Missouri Police Department as a police officer. My present responsibilities include the investigation of violations of Title 8, 16, 18, 19, 21 and 31 of the United States Code and related offenses.

1. The information set forth in this Affidavit is based upon Affiant's personal knowledge and/or information provided to Affiant by other law enforcement officers, fraud investigators, and other individuals the undersigned believes to be reliable and credible.
2. Because the Affidavit is being submitted for the limited purpose of supporting a criminal complaint, Affiant has not included every fact concerning this investigation. Affiant has provided only the facts believed to establish probable cause that Jose Rodriguez-Orellana has committed violations of federal law.
3. On August 8, 2021, the Houston Police Department (HPD) responded to the area of 10225 Bissonnet Street, Apt.#2172, Houston, Texas 77036 in connection with a suspected human smuggling event in progress.
4. The Southwest Division (SW) of the HPD received a call from a family member advising that a relative was being held in an unknown apartment in the Houston area until additional funds were paid on top of the already paid smuggling fee. The family member sent photos along with the relative's phone number. HPD pinged the given phone number and based off the photos sent determined the parties were being held in apartment number 2172 of the above address.
5. Upon arrival, HPD knocked on the residence and saw/heard movement on the inside, however the parties would not open the door for the officers. HPD officers continued to get the parties to open the door. Two parties, one male (Jose Rodriguez-Orellana) and one female, eventually exited the address, 10225 Bissonnet Street apartment #2172. Upon entry HPD discovered 4 individuals in the right-side bedroom.

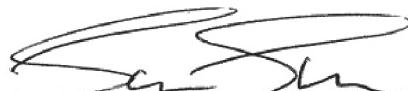
6. HSI Houston Special Agents (SA) were notified, responded to the residence, and determined that all individuals discovered in the residence were unlawfully present in the United States. Agents also determined that the male subject that had exited the residence was also an illegal alien.
7. Agents questioned the four subjects held in the right bedroom and determined that Jose Rodriguez-Orellana as their caretaker.
8. HSI SAs photographed the apartment. Multiple mattresses were laid out on the floor in the right bedroom with no additional furniture. An additional mattress, box-spring and frame was in the living room. An additional bedroom to the left contained a complete bed (mattress, box-spring, frame, and bedding) along with a dresser.
9. Jose Rodriguez-Orellana, and the remaining individuals discovered at the residence were transported to the Montgomery Processing Center, Conroe, Texas for booking and interviews.
10. Material Witness Luis Solana-Calva, a citizen of Ecuador, illegally entered the United States in July 2021. His intended destination in the United States was Atlanta, Georgia. Solana-Calva stated his phone was initially taken from him when he entered the apartments but was then given back to him to call his cousin in Atlanta to forward \$6500 for his release. His cousin in Atlanta was the one who notified HPD. Solana-Calva stated that Jose Rodriguez-Orellana was the person who guarded them and told them they were to stay in the right bedroom and only allowed them to come out to use the restroom and cook. Solana-Calva also stated that other groups of illegal aliens were brought in and taken out at different times during their stay, however they remained because of the \$6500 debt. Solana-Calva stated that another unidentified male was the one who demanded the \$6500 and was also the one who determined who brought in additional aliens, as well as determined who was allowed to leave.
11. Material Witness Jose Tenivaca-Canin, a citizen of Ecuador, illegally entered the United States in July 2021. His intended destination in the United States was New Jersey. Tenivaca-Canin stated that when they initially got there, they had taken away their phones but gave them back a couple days later. Tenivaca-Canin stated that Jose Rodriguez-Orellana was the person who guarded them and told them they were to stay in the right bedroom and only allowed them to come out to use the restroom and cook. Tenivaca-Canin also stated that an additional male was demanding an additional \$6500 before he was allowed to leave. If he did not pay, he was told they would return him to Mexico.

12. Material Witness Jose Calva-Culquicondor, a citizen of Ecuador, illegally entered the United States in July 2021. His intended destination in the United States was Newark, New Jersey. Jose Calva-Culquicondor stated that he was traveling with his cousin, Luis Solana-Calva who had made all the phone calls regarding the initial funds as well as the additional \$6500 for their release. Jose Calva-Culquicondor stated that Jose Rodriguez-Orellana was the guard of the house keeping them in the bedroom and only allowing them to come out to use the bathroom or cook. Jose Calva-Culquicondor also stated that other illegal aliens would come and go with an additional ten parties in the bedroom yesterday before those individuals left out yesterday evening. Jose Calva-Culquicondor stated they remained because of the additional \$6500 owed.
13. Jose Rodriguez-Orellana stated that he knows the owner of the apartment, Jibran Cordova. Jose Rodriguez-Orellana stated that he rents the living room of the apartment from Cordova who also pays him \$200 per load to watch the illegal aliens in the room and prevent them from leaving. Jose Rodriguez-Orellana stated his job was to be there whenever Cordova was gone. Jose Rodriguez-Orellana also stated Cordova was the one who made the phone calls, arranged to drivers and determined who was allowed to leave. Jose Rodriguez-Orellana stated Cordova trusted him to drive his vehicles to pick up food items and other necessities for the aliens.
14. Based upon the evidence gathered from this investigation, I believe there is probable cause to believe that Jose Rodriguez-Orellana, knowing or in reckless disregard of the fact that an alien has come to, entered or remained in the United States, in violation of law, concealed, harbored, or shielded from detection, such aliens in any place, including any building or any means of transportation, for purpose of commercial advantage or private financial gain, in violation of Title 8 U.S.C. Section 1324(a)(1)(A)(iii) and (a)(1)(B)(i).

Gina Cox
Digitally signed by Gina Cox
Date: 2021.08.09 14:52:44
-05'00'

Special Agent Gina M. Cox
Homeland Security Investigations
Houston, Texas

Sworn and subscribed telephonically on this 10th day of August 2021, and I hereby find probable cause.



SAM S. SHELDON
U.S. Magistrate Judge